

AMENDED IN SENATE MAY 3, 2000

AMENDED IN SENATE APRIL 5, 2000

**SENATE BILL**

**No. 1562**

**Introduced by Senator Burton**

February 18, 2000

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An act to add Section 21085.5 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1562, as amended, Burton. Mitigation of projects through wetlands restoration.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. Existing law declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effect of the project.

~~This bill would require the lead agency to limit the analysis in an environmental impact report for a specified airport project to a brief discussion of the relationship between the proposed project's impacts and the proposed acquisition, enhancement, or restoration of land if the environmental impact report identifies as a proposed mitigation measure the payment of funds to one or more public agencies to mitigate~~

~~the impacts of the project for which the lead agency prepared the document, and the agencies propose to use the funds for that purpose provide that if a public agency proposes to mitigate the impact of a proposed development project by restoring wetlands, the environmental impact report for the project may be limited to an analysis of the relationship between the identified significant effects on the environment of the proposed project and the restoration of the wetlands, under specified circumstances.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21085.5 is added to the Public  
2 Resources Code, to read:  
3 ~~21085.5. If an environmental impact report for an~~  
4 *21085.5. (a) If a public agency proposes to mitigate*  
5 *the impact of a proposed development project by*  
6 *restoring wetlands, the environmental impact report for*  
7 *the proposed development project may be limited to an*  
8 *analysis of the relationship between the identified*  
9 *significant effects of that project and the restoration of*  
10 *the wetlands if all of the following are true:*  
11 *(1) The proposed project is a development project*  
12 *adjacent to the San Francisco Bay.*  
13 *(2) The wetlands proposed for restoration are all or*  
14 *part of approximately 18,000 acres of salt ponds owned by*  
15 *the Cargill Salt Company.*  
16 *(3) Funds have been provided to a public agency for*  
17 *the restoration of those Cargill salt ponds and that public*  
18 *agency indicates a willingness, in writing, to use those*  
19 *funds to prepare and implement a restoration plan for the*  
20 *Cargill salt ponds, as mitigation for the proposed project.*  
21 *(b) The environmental impact report described in*  
22 *subdivision (a) shall describe the purpose and objectives*  
23 *of the public agency's restoration, identify restoration*  
24 *goals, and describe how the funding will enable the public*  
25 *agency to satisfy those restoration goals. The identified*  
26 *restoration goals shall conform to the goals described in*

1 *the San Francisco Estuary Bayland Ecosystem Goals*  
2 *Report prepared by the National Audubon Society. The*  
3 *identified restoration goals and the public agency's*  
4 *written indication of willingness to utilize the funds shall*  
5 *constitute the performance standards for the project.*  
6 *Proponents of the project may rely upon these*  
7 *performance standards as evidence that the significant*  
8 *effects on the environment of the project on the*  
9 *biological resources of the San Francisco Bay that are*  
10 *identified in the environmental impact report for the*  
11 *proposed project will be mitigated.*

12 *SEC. 2. The Legislature declares that Section 21085.5*  
13 *of the Public Resources Code, as added by this act, is*  
14 *declaratory of existing law as articulated in Rio Vista*  
15 *Farm Bureau Center v. County of Solano (1992) 5*  
16 *Cal.App.4th 351 and Sacramento Old City Assn. v. City*  
17 *Council (1991) 229 Cal.App.3d 1011.*

18 ~~airport owned by a city and county and located in another~~  
19 ~~county identifies as a proposed mitigation measure the~~  
20 ~~payment of funds to one or more public agencies to~~  
21 ~~mitigate the impacts of the proposed project for which~~  
22 ~~the lead agency prepared the environmental impact~~  
23 ~~report, and the public agencies propose to use those funds~~  
24 ~~to acquire, enhance, or restore land, the lead agency may~~  
25 ~~limit the analysis in the environmental impact report of~~  
26 ~~the proposed acquisition, enhancement, or restoration of~~  
27 ~~land to a brief discussion of the relationship between the~~  
28 ~~proposed project's impacts and the proposed acquisition,~~  
29 ~~enhancement, or restoration of land that the payment of~~  
30 ~~funds will allow, including a brief discussion of the~~  
31 ~~feasibility of the proposed acquisition, enhancement, or~~  
32 ~~restoration, and, to the extent known, a brief discussion~~  
33 ~~of the expected impacts of the proposed acquisition,~~  
34 ~~enhancement, or restoration. This section does not affect~~  
35 ~~the obligation of the public agencies that will carry out~~  
36 ~~the proposed acquisition, enhancement, or restoration of~~  
37 ~~land to comply with this division in connection with~~

- 1 ~~approving the proposed acquisition, enhancement, or~~
- 2 ~~restoration of land.~~

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